

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

IN RE:

**JACK LEON RINKER
LINDA ANN RINKER**

Debtors

**CHAPTER 13
CASE NO. 22-50531**

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS OR CONVERT,
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 12/27/22 and (iii) moves to dismiss or convert this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

March 01, 2023 at 9:30 a.m.

Parties should contact Judge Connelly's courtroom deputies at
VAWBml_Connelly_Scheduling@vawb.uscourts.gov
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtors to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

Documents - Assets

- Copy of Deed(s) conveying real property to Debtor(s) for all property listed on Schedule A, or specifically for: both parcels
- Proof that an automatic payment process for future mortgage payments has been put into place. Arrears are: \$19,591 (2349 Third St)

Documents - Income

- A copy of the Debtor's most recently filed federal and state income tax return or provide the Trustee with an affidavit for: 2021

Documents - Other

- The Trustee's Debtor Questionnaire sent to the Debtor by the Trustee, with all questions answered.
- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

Pleadings

- Submit a wage order or establish automatic and recurring TFS account for plan payments.
- Amend Schedule A/B, Part 2 - 8 (other property): disclose all bank accounts and other property.
- Amend Schedule F: notice and schedule all creditors
- Amend the Statement of Financial Affairs: accurately disclose income from all source for 3 years (2020 - 2022).

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

Objections

JACK LEON RINKER
LINDA ANN RINKER

Case No. 22-50531
Page 2

- The Plan does not meet the Chapter 7 liquidation test pursuant to 11 U.S.C. Section 1325(a)(4) Net equity in non-exempt assets is \$35,770. Amend the plan to pay 100%.
 - The Debtor(s) are in default of plan payments in the amount of \$540 as of
3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:
Conf - Must Pay 100%
- The Plan must yield 100% to allowed unsecured creditors pursuant to 11 U.S.C. Section 1325 (a) (4) Chapter 7 Test, and Debtor(s) shall promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer yields 100% to such creditors.
4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

WHEREFORE, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: January 18, 2023

/s/ ANGELA SCOLFORO

Angela Scolforo
Attorney for the Chapter 13 Trustee
P.O. Box 2103
Charlottesville, VA 22902
Ph: 434-817-9913
Email: ch13staff@cvillech13.net

CERTIFICATE OF SERVICE

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtors and served electronically upon the Debtors' counsel on January 18, 2023.

/s/ ANGELA SCOLFORO

Angela Scolforo
Attorney for the Chapter 13 Trustee
P.O. Box 2103
Charlottesville, VA 22902
Ph: 434-817-9913
Email: ch13staff@cvillech13.net